

EXHIBIT D

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF ALAMEDA
BEFORE THE HONORABLE THOMAS EAGLE WEATHERS, JUDGE
DEPARTMENT 510

RULA NABIL CAVACO DIAS,

Petitioner,

No. 24FL092755

VS.

CASIMIRO JOSE CAVACO DIAS,

Respondent.

_____/

FAMILY LAW

HAYWARD HALL OF JUSTICE

FEBRUARY 5, 2025

A P P E A R A N C E S:

FOR THE PETITIONER:

MICHELLE JACOBSON-KWOK,
ATTORNEY AT LAW

FOR THE RESPONDENT:

LESLIE AZCONA,
ATTORNEY AT LAW

ANITA CRUZ
CSR #6839
CERTIFIED SHORTHAND REPORTER

1 FEBRUARY 5, 2025

2 P R O C E E D I N G S

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4 THE COURT: Line number one and two, Cavaco Dias
5 versus Cavaco Dias.

6 THE CLERK: Do you solemnly swear the testimony you
7 are about to give in the matter now pending will be the truth,
8 the whole truth and nothing but the truth?

9 MS. AZCONA: Leslie Azcona. I'm specially appearing
10 on behalf of Respondent.

11 THE COURT: We'll swear in the one person.

12 THE CLERK: Do you solemnly swear the testimony you
13 are about to give in the matter now pending will be the truth,
14 the whole truth and nothing but the truth?

15 MS. DIAS: I do. Rula Nabil Cavaco Dias.

16 MS. JACOBSON-KWOK: Michelle Jacobson-Kwok appearing
17 for and with Rula Cavaco Dias.

18 MS. FLORES: Ruby Flores, F-l-o-r-e-s of Gibson
19 Dunn.

20 THE COURT: Law firm and for --

21 MS. AZCONA: I am specially appearing, Leslie
22 Azcona. I'm an attorney. Your Honor, are you going to be
23 taking argument from both counsel or just --

24 THE COURT: Generally I hear from one counsel.

25 MS. JACOBSON-KWOK: As a preliminary matter, Your
26 Honor, I also do -- before I answer that. I also want to flag
27 for you we do have a witness here in the courtroom.

28 Mr. Damon Pulido who is our process server for the dissolution

1 herself, right.

2 Mr. Dias eight days before trial moved to dismiss
3 his case with prejudice which is basically unheard of. We
4 have very strong evidence that he could not prove that Armenia
5 was the habitual residence. We had strong evidence of
6 spoilation of abuse of text messages and abusive calls. Many
7 of which were made to her while she was in California. She
8 was receiving abusive text messages. She was receiving from
9 Mr. Dias these text messages, calls just relentlessly while
10 she was in California with the children.

11 THE COURT: Let me stop you so I'm clear. Did an
12 Armenian court take jurisdiction over the kids?

13 MS. FLORES: No.

14 THE COURT: Let me go to Ms. Azcona before we run
15 out of time. Have you heard all of that? Let me ask you --
16 hold on. Stop. Let me ask you does this court have
17 jurisdiction over this matter?

18 MS. AZCONA: No.

19 THE COURT: Why?

20 MS. AZCONA: The reason it doesn't is that at the
21 time that she filed this, okay, there was an active Armenian
22 case. In fact, she filed this and then she appealed the
23 Armenian case. There was an Armenian case. They granted an
24 emergency DVRO of her and the kids so she could get emergency
25 passports. Okay. They examined evidence. They looked at the
26 merits of the case. They granted her the DVRO and my client
27 appealed and overturned it. They looked at the merits. They
28 judged it on this. They did those things.

1 THE COURT: You're telling me that the Armenian
2 court granted a domestic violence restraining order against
3 your client that was later overturned?

4 MS. AZCONA: It was later overturned and that on
5 October 3rd which was after this was filed -- remember, we're
6 looking at when this was filed because you don't need to go
7 back in time and fix things. At this time it was filed. This
8 court, California, did not have jurisdiction over her or the
9 children. They hadn't been here for six months. There was a
10 Hague matter in federal court. Additionally, Mr. Dias filed
11 that in Georgia. He thought she was in Georgia. That's where
12 her family is from.

13 THE COURT: Country or state?

14 MS. AZCONA: That court I don't have it written down
15 so --

16 MS. FLORES: The state. Her family --

17 MS. AZCONA: It was my understanding it was
18 transferred to California but that it was going on. But more
19 importantly there was an Armenian action with witnesses, with
20 evidence, with previous orders that was still in play. She in
21 fact appealed it and so for all those reasons I do not believe
22 that this has -- California has jurisdiction.

23 Additionally, if they do it's going to be almost
24 impossible for my client to defend it because his witnesses,
25 the evidences, everything else was in Armenia. I'm wondering
26 if that would even be res judicata at this point.

27 THE COURT: Did you have a chance to read the Hogue
28 versus Hogue case that counsel stated?

1 MS. AZCONA: No, I haven't but I will.

2 THE COURT: I did not read it either so I will read
3 it again.

4 MS. AZCONA: Again, now they have jurisdiction.
5 He's been here for six months. She's a resident. She could
6 file it.

7 THE COURT: Say they're only here for a week. There
8 is an action of domestic violence. Wouldn't I have
9 jurisdiction?

10 MS. AZCONA: Well, yeah, because it would have taken
11 place in California.

12 MS. JACOBSON-KWOK: Again, I think that Ms. Azcona
13 and I'm not accusing her of doing so deliberately is
14 misinterpreting the law and making representations to the
15 court based upon her misapplication of the law. Again, if you
16 look at the briefs that she has filed they all rely upon law
17 that has to do with -- not a single one has to do with the
18 subject matter jurisdiction. That's the key issue here.

19 I will also say, Your Honor, just to rebut what
20 Ms. Azcona said with the status of the Armenian case. One of
21 the exhibits that was attached to my client's responsive
22 pleadings in this matter is a letter from the attorney in
23 Armenia that represented her in the Armenia case which makes
24 it clear that that case is no longer open. It's closed. It's
25 resolved.

26 THE COURT: Let me ask you this:

27 She files a claim in Armenia claims domestic
28 violence and loses. Stop. Loses. Jumps on a plane, flies to

STATE OF CALIFORNIA)
)
COUNTY OF ALAMEDA)

I, ANITA CRUZ BOYD, DO HEREBY CERTIFY:.

THAT I AM A CERTIFIED SHORTHAND REPORTER
OF THE STATE OF CALIFORNIA;

THAT ON THE 5TH DAY OF FEBRUARY, 2025, I
WAS DULY APPOINTED BY THE COURT AS A SHORTHAND
REPORTER IN THE FOREGOING ENTITLED COURT AND CAUSE
AND ON THAT DATE I FULLY, TRULY AND CORRECTLY REPORTED IN
SHORTHAND NOTES ALL THE PROCEEDINGS AND
TESTIMONY HAD AT THE HEARING OF THE DEFENDANTS, IN
THE SUPERIOR COURT BUILDING, HAYWARD, CALIFORNIA,
BEFORE THE HONORABLE THOMAS EAGLE WEATHERS, JUDGE,
THEREAFTER FULLY, TRULY AND CORRECTLY TRANSCRIBED
THE SAME INTO TYPEWRITING; AND THAT THE FOREGOING
PAGES 1 THROUGH 26, INCLUSIVE, CONTAIN AND ARE A
FULL, TRUE AND CORRECT STATEMENT AND TRANSCRIPT OF
MY SHORTHAND NOTES TAKEN AT THE AFORESAID PROCEEDINGS AT THE
TIME AND PLACE HEREIN STATED.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND
THIS 28th DAY OF FEBRUARY, 2025.

ANITA CRUZ
~~CERTIFICATE NO. 6839~~
ANITA CRUZ
CSR #6839
CERTIFIED SHORTHAND REPORTER